

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES,)	CASE NO. 4:04CR245(Defendant #32)
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	Magistrate Judge George J. Limbert
v.)	
)	
GREGG D. HACKETT,)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Defendant.)	

This matter was referred to the undersigned in order to conduct appropriate proceedings, including a preliminary exam, a supervised release hearing, and all matters in accordance with Criminal Rule 32.1, except for sentencing. On April 8, 2008, the undersigned conducted proceedings regarding the revocation of supervised release. At that hearing, the Government was represented by Assistant United States Attorney Linda H. Barr, and Defendant was represented by Joan E. Pettinelli.

On March 25, 2008, United States Probation Officer Kellin Strong prepared a Violation Report alleging that Defendant had committed the following Supervised Release Violations:

1. Failure to report to the U.S. Probation Department.
2. Failure to submit Monthly Supervision Reports.
3. Failure to pay special assessment.
4. Failure to pay child support.

Violation Report at 1.

At the hearing, Defendant, through counsel, admitted to Supervised Release Violation Numbers 1, 2, and 3 and the Government withdrew Violation Number 4.

The undersigned then proceeded to the issue of detention as the parties had requested a hearing on this issue. After reviewing the arguments of both parties, and considering the testimony of Officer Strong, the undersigned concludes that Defendant had not met his burden of establishing that he posed no risk of flight if placed on bond. Defendant has an outstanding

warrant for his arrest from Trumbull County which was issued for his failure to appear at a court hearing. Moreover, Officer Strong testified that Defendant had failed to report to him as required and he was unable to reach Defendant via telephone or home visits on at least four occasions. Accordingly, Defendant presents a risk of nonappearance such that detention is appropriate.

CONCLUSION AND RECOMMENDATION

Based upon the Violation Report and Defendant's stipulations, the undersigned finds that Defendant has violated his supervised release conditions by: failing to report to the U.S. Probation Department, failing to submit Monthly Supervision Reports, and failing to pay the special assessment. Consequently, the undersigned finds that Defendant has violated the terms and conditions of supervised release and the undersigned recommends that the Court find that Defendant has violated the terms of his supervised release.

In addition, for the reasons stated above, the undersigned finds that Defendant should be detained in the custody of the U.S. Marshal pending sentencing before Judge Economus.

Dated: April 8, 2008

/s/George J. Limbert
George J. Limbert
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).